

An Ordinance Establishing Zoning
Districts for Las Animas, Colorado

Ordinance No. 401

SECTION 1. TITLE

101. Title.

An ordinance and map establishing zoning districts in Las Animas, Colorado, regulating the location, height, bulk and size of buildings and other structures; the percentage of lot which may be occupied; the size of lots, courts, and other open space; the density and distribution of population; and the location and use of land for trade, industry, recreation, or other purposes.

102. Short Title.

For the purposes of brevity, this ordinance and map shall be known as the Las Animas Zoning Ordinance.

SECTION 2. PURPOSE

201. General Purpose.

This ordinance is necessary, designed, and enacted for the purpose of promoting the health, safety, morals, and general welfare of the present and future inhabitants of Las Animas, Colorado, by lessening congestion in the streets and roads; securing safety from fire and other damages; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; fostering the State's industries; and, protecting urban and rural development.

202. Establishment of Zoning Districts.

In order to carry out the provisions of this ordinance, Las Animas is hereby divided into the following districts:

R-2	Urban Residential District
R-3	Urban Residential District
B-1	Highway Business District
B-2	Tourist Business District
B-3	Central Business District
I-1	Light Industrial District
I-2	Heavy Industrial District
P.U.D.	Planned Unit Development District

203. Zoning Map and Boundaries.

The location of the zoning districts hereby established are shown on the map entitled "Official Zoning Map of Las Animas", dated _____, 1972, and is hereby made, along with explanatory matter thereof, a part of this ordinance and is on file in the office of the City Clerk.

Unless otherwise specified on the Official Zoning Map, district boundary lines are lot lines; the center lines of streets, alleys, highways, or such lines extended; corporate lines; natural boundary lines such as streams; or section lines.

SECTION 3. AUTHORITY

The Las Animas Zoning Ordinance is authorized by Article 60, Chapter 139, of the Colorado Revised Statutes, 1963, as amended, and is hereby declared to be in accordance with all provisions of these Statutes.

SECTION 4. DEFINITIONS

401. Rules of Language Construction.

For the purposes of this ordinance and when not inconsistent with the context:

- a. Words used in the present tense include the future.
- b. Words in the singular include the plural.
- c. Words in the plural include the singular.
- d. The masculine includes the feminine.
- e. The word "shall" is mandatory and not directory.
- f. The word "may" is permissive.
- g. The particular controls the general.

402. Interpretation.

Certain words and phrases are defined, and certain provisions shall be interpreted as herein set out, when not inconsistent with the context. The word "building" includes the word "structure"; the word "person" includes a "firm", "associate", "corporation", "partnership", and "natural person"; the word "used" includes the words "occupied", "arranged", "designed", or "intended to be used"; the word "construct" includes the words "erect", "reconstruct", "alter", "move in" and "move upon".

403. Definitions.

1. Accessory Use.

A use naturally and normally incidental to, and subordinate to the permitted use of land or lot area.

2. Alley.

A public, dedicated right-of-way, used primarily as a service or secondary means of access and egress to the service side of abutting property.

3. Building.

Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

4. Building Height.

The vertical distance as measured from the average finished grade at the building setback to the ceiling of the uppermost story.

5. Building Setback.

An imaginary line extending across the full width or side of a lot, parallel with the street right-of-way line or the property line and outside of which no building shall be constructed.

6. City.

Shall mean Las Animas, Colorado.

7. City Council.

Shall mean the City Council of Las Animas, Colorado.

8. Density.

The quantity or number per unit, usually the number of dwelling units per gross acre.

9. Dwelling.

A building designed to be used as a living place for one or more persons or families but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraints.

10. Dwelling Unit.

Two or more rooms designed for, or occupied exclusively by one (1) family and having not more than one (1) kitchen.

11. Family.

One (1) or more persons living together as a single housekeeping unit in a dwelling unit.

12. Home Occupation.

Any non-residential use conducted entirely within a dwelling unit and carried on solely by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not occupy more than 20% of the total floor space of the dwelling unit and which use does not require more than two (2) customers per 24-hour day.

13. Hotel.

A building designed for occupancy by short-term or part-time residents who are lodged with or without meals and in which no facilities are provided for cooking in individual rooms.

14. Lodge.

A hotel designed primarily to be used and occupied on a seasonal basis.

15. Lot.
A parcel or portion of land separated from other parcels or portions by legal description and abutting upon one (1) or more public streets or roads.
16. Lot Area.
The total number of horizontal square feet contained within the boundaries of the lot lines of the lot.
17. Lot Line.
An imaginary line separating a parcel or portion of land from another by legal description.
18. Mobile Homes.
A mobile facility, with or without wheels, assembled at the place of manufacture, designed and contrived to permit occupancy as a residential unit for living and sleeping purposes.
19. Mobile Home Subdivision.
A subdivision of land designed and platted for the placement of permanent mobile homes on individually and privately owned lots.
20. Mobile Home Park.
A subdivision of land designed for the placement of permanent mobile homes on spaces rented by the mobile home owners.
21. Mobile Unit Overnight Courts.
A subdivision of land designed to accommodate the transient traveling in a privately owned camper or trailer units.
22. Motel.
A group of attached or detached buildings containing individual sleeping and/or living units, designed for or used temporarily by, tourists and transients, with a garage or parking space adjacent to or near each rental unit.
23. Non-Conforming Building.
A building or portion thereof, legally built prior to the effective date of this ordinance or any amendment thereto, which does not conform with the regulations of the district in which it is located.
24. Non-Conforming Use.
Land or a building lawfully occupied prior to the effective date of this ordinance or any amendment thereto, by a use which does not conform with the regulations of the district in which it is located.
25. Ordinance.
Shall mean the Las Animas Zoning Ordinance.
26. Open Space.
Public or privately owned land which is unoccupied by buildings and intended for use by the general public.
27. Parking Space.
An off-street, hard-surfaced, dust-free space designed and intended to be occupied by a parked automobile, which is a minimum of 200 square feet in area exclusive of maneuvering and roadway space.
28. Permit.
A document issued by Las Animas, Colorado, granting permission to perform an act or service which is regulated by the City.
29. Property Line.
See lot line.

30. Public Hearing.

A public meeting held by the City Council at which time citizen's opinions may be voiced concerning the subject of the hearing.

31. Road.

See street.

32. Right-of-Way.

The entire dedicated tract or strip of land that is to be used by the public for circulation and service.

33. Site.

A parcel or portion of land separated from other parcels or portions by legal description and abutting upon one (1) or more public streets or roads intended for occupancy of a use by right in the district in which it is located.

34. Street.

A channel including the entire dedicated right-of-way, providing for the pedestrian and vehicular movement of people and goods.

35. Yard.

That part of a lot which is unoccupied by a building.

SECTION 5. DISTRICTS

501. R-2 Urban Residential District.

Description of District.

This district is designed to accommodate primarily permanent single-family occupancy at a low density not to exceed four (4) dwelling units per gross acre.

Permitted Uses.

1. Single-family dwelling units.
2. Schools and churches.
3. Public parks, golf courses and open space.
4. Public buildings and utility installations.
5. Mobile home subdivisions and parks.
6. Home occupations.

Minimum Site Area.

Mobile home subdivisions and parks	4 acres
All other uses	10,000 square feet

Minimum Front Yard. 35 feet

Minimum Rear Yard. 25 feet

Minimum Side Yard. 15 feet

Maximum Building Height. 35 feet

Permitted Signs.

1. Two (2) signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Two (2) signs mounted flush with a building and not extending above the roof line identifying the property, its occupants, and its use, not to exceed ten (10) square feet each.

Parking Requirements.

One parking space of 200 square feet (exclusive of drives and maneuvering space) shall be provided for each occupancy unit.

502. R-3 Urban Residential District.

Description of District.

This district is designed to accommodate higher density urban residential development within the boundaries of an incorporated municipality.

Permitted Uses.

1. Single-family dwelling units.
2. Two-family dwellings.
3. Three- to ten-family dwellings.
4. Mobile homes on single sites.
5. Mobile home subdivisions and parks.
6. Schools and churches.
7. Public parks and open space.
8. Home occupations.
9. Public buildings and utility installations.
10. Nursing Homes, hospitals, and medical clinics.

Minimum Site Area.

- | | |
|---------------------------------------|---------------------------------|
| 1. Single-family dwellings | 7,000 square feet |
| 2. Two-family dwellings | 8,750 square feet |
| 3. Three- to ten-family dwellings | 3,500 square feet
(per unit) |
| 4. Mobile homes on single lots | 7,000 square feet |
| 5. Mobile home subdivisions and parks | 4 acres |
| 6. All other uses | 7,000 square feet |

Minimum Front Yard.

25 feet

Minimum Rear Yard.

25 feet

Minimum Side Yard.

7½ feet

Maximum Building Height.

35 feet

Permitted Signs.

1. One (1) sign advertising the property for sale, rent, or lease, not to exceed ten (10) square feet.
2. One (1) sign mounted flush with a building and not extending above the roof line identifying the property, its occupants, and its use, not to exceed four (4) square feet.

Parking Requirements.

One (1) parking space of 200 square feet (exclusive of drives and maneuvering space) shall be provided for each occupancy unit.

503. B-1. Highway Business District.

Description of District.

This district is designed to accommodate businesses that ordinarily serve customers arriving by automobile, for a specific service.

Permitted Uses.

1. Automobile service stations and repair garages.
2. Automobile sales and service.
3. Automobile wash and polish service.
4. Agricultural equipment - sales and service.
5. Building material and lumber sales.
6. Drive-In drinking and eating places.
7. Dance halls.
8. Bowling alleys.
9. Driving ranges and miniature golf.
10. Drive-In theaters.
11. Trucking and storage operations.
12. Equipment rental establishments.
13. Wholesale establishments.
14. Any other similar use which by nature of the activity requires location adjacent to a major highway.
15. Dwelling unit, provided it is occupied by the owner, operator, or caretaker of the permitted use.

Minimum Site Area.

Structure coverage shall not exceed 50 per cent of the site area.

Minimum Front Yard.

30 feet from any public street right-of-way.

Minimum Rear and Side Yards.

50 feet from any residential property line.

25 feet from any other property line.

Maximum Building Height.

35 feet

Permitted Signs.

1. Signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Signs identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roof line of the structure.
3. Permitted signs may be illuminated; however, no flashing or blinking signs shall be permitted.

Parking Requirements.

One (1) parking space of 200 square feet (exclusive of driveways and maneuvering space) shall be provided for each 400 square feet of gross floor area for all uses.

504. B-2. Tourist Business District.

Description of District.

This district is designed to accommodate businesses that ordinarily serve the transient visitor or those local residents that arrive for a specific service via automobile.

Permitted Uses.

1. Automobile service stations.
2. Eating and drinking places.
3. Novelty, curio, antique and souvenir shops.
4. Retail outlets.
5. Motels and hotels.
6. Theaters, auditoriums and recreation centers.
7. Liquor, drug and food stores.
8. Sporting goods stores.
9. Any other similar use which by nature of the activity, requires location adjacent to transient travel ways.
10. Dwelling unit, provided it is occupied by the owner, operator, or caretaker of the permitted use.
11. Overnight camping areas.

Minimum Site Area.

Structure coverage shall not exceed 65 per cent of the site area.

Minimum Front Yard.

25 feet from any public street right-of-way.

Minimum Rear and Side Yards.

25 feet from any residential property line.

5 feet from any other property line.

Maximum Building Height.

35 feet

Permitted Signs.

1. Signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Signs identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roof line of the structure.
3. Permitted signs may be illuminated; however, no flashing or blinking signs shall be permitted.

Parking Requirements.

1. Motels and Hotels - one (1) parking space of 200 square feet (exclusive of driveways and maneuvering space) shall be provided for each occupancy unit.
2. All other permitted uses - one (1) parking space of 200 square feet (exclusive of driveways and maneuvering space) shall be provided for each 400 square feet of gross floor area.

505. B-3. Central Business District.

Description of District.

This district is designed to accommodate businesses that ordinarily serve the permanent residents of an area and are pedestrian oriented.

Permitted Uses.

1. Banks and savings and loan associations.
2. Public buildings and offices.
3. Furniture, mail order, cleaning, laundry, photographer, shoe, and shoe repair stores.
4. Appliance sales and repair.
5. Beauty and barber shops.
6. Travel agencies and ticket offices.
7. Charitable, civic, youth, social, and fraternal organizations.
8. Indoor entertainment facilities.
9. Liquor, dairy, food, department, antique, clothing, and hardware stores.
10. Medical, dental, legal, engineering, architectural, accounting, and other professional services.
11. Mortuaries and funeral homes.
12. Printing, photocopying and blue-printing services.
13. Radio and television studios.
14. Hotels, motels, restaurants, bars and lounges.
15. Parking lots.
16. Sporting goods and camera stores.
17. Such other retail, personal service, and professional uses which are conducted entirely within an enclosed structure and by their nature, are compatible with the uses listed above.

Minimum Site Area.

None, provided conditions of parking requirements are met.

Minimum Front, Side, Rear Yards.

None, provided conditions of parking requirements are met.

Maximum Building Height.

35 feet

Permitted Signs.

1. Two (2) signs advertising the property for sale, lease, or rent not to exceed six (6) square feet each.
2. Two (2) signs, identifying the property, its occupants, and its use, which are self-supported and which do not extend more than three (3) feet above the roof line nor more than three (3) feet over the public right-of-way. Such signs must be no more than ten (10) square feet each, nor less than eight (8) feet above the sidewalk grade.
3. Signs identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roof line of the structure.
4. Permitted signs may be illuminated; however, no flashing or blinking signs shall be permitted.

Parking Requirements.

1. One (1) parking space of 200 square feet for each 200 square feet of area devoted to sales and display in each retail establishment.

2. One (1) parking space of 200 square feet for each 300 square feet of office space or public personal service space.

3. One (1) parking space of 200 square feet for each rental unit in motels and hotels.

4. One (1) parking space of 200 square feet for each four (4) seats in eating and drinking places and theaters and auditoriums.

506. I-1 Light Industrial District.

Description of District.

This district is designed to accommodate light industrial, wholesaling, and manufacturing operations.

Permitted Uses.

1. Any manufacturing or fabricating use from which no volume of sound, vibration, smoke, fumes, gas, noxious odor, light, heat, glare, or radio transmission is disseminated beyond the boundary lines of the I-1 district in which the use is located.
2. Lumber and building material sales.
3. Fuel storage.
4. Heating, plumbing, and electrical contractor shops and offices.
5. Warehousing.
6. General and special contractors yards, offices and warehousing.
7. Public utility offices and equipment yards.
8. Radio and television transmitters.
9. Laundry, cleaning and dyeing shops.
10. Upholstering shops.
11. Sign painting.
12. Auto body shops.

Minimum Site Area.

None, provided conditions of parking and yard requirements are met.

Minimum Front, Side, Rear Yards.

1. 50 feet from any residential district boundary.
2. 25 feet from any commercial district boundary.

Maximum Building Height.

35 feet

Permitted Signs.

1. Signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Signs identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roof line of the structure.
3. Permitted signs may be illuminated; however, no flashing or blinking signs shall be permitted.

Parking Requirements.

One (1) parking space of 200 square feet (exclusive of driveways and maneuvering space) shall be provided for each 400 square feet of gross floor area for all uses.

507. I-2. Heavy Industrial District.

Description of District.

This district is designed to accommodate manufacturing and industrial uses which by the nature of their activity, are excluded from the uses permitted in I-1 Light Industrial District.

Permitted Uses.

Any manufacturing, fabricating, or industrial use provided that:

1. No sound volumes in excess of 70 decibels measured at the I-2 District boundary lines.
2. No vibration of earth shall be perceptible beyond the I-2 District boundary lines.
3. No smoke, fumes, gas, noxious odor, light, heat, or glare are perceptible beyond the I-2 District boundary lines.

Minimum Site Area.

None, provided conditions of parking and yard requirements are met.

Minimum Front, Side, Rear Yards.

1. 50 feet from any residential district boundary.
2. 25 feet from any commercial district boundary.

Maximum Building Height.

35 feet

Permitted Signs.

1. Signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.
2. Signs identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roof line of the structure.
3. Permitted signs may be illuminated; however, no flashing or blinking signs shall be permitted.

Parking Requirements.

One (1) parking space of 200 square feet (exclusive of driveways and maneuvering space) shall be provided for each 400 square feet of gross floor area for all uses.

wilson jones.

508. P.U.D. Planned Unit Development District.

Description of District.

This district is designed to provide for the flexible development of large sites to promote higher economic uses while protecting environmental and ecological assets, and to allow for special residential, commercial, and recreational development in which various uses are grouped in appropriate relationships to one another, to open space, and to common facilities.

Permitted Uses.

Any use permitted by right in the preceding listed zone districts. These uses may be separate or in combination and are permitted in accordance with the below listed standards, requirements and procedures.

Standards and Requirements.

I. General.

The P. U. D. shall be designed in a manner that protects the environmental and ecological assets of the area including, but not limited to, plant and animal life, streams and storm drainage courses and scenic vistas.

2. Site.

- a. Minimum site area shall be no less than 20 acres.
- b. Public water and sanitary sewer facilities shall be available to the site or shall be provided by the developer adequate to serve both permanent and transient population. These facilities shall meet minimum standards set by the Colorado Department of Public Health.

3. Design and Development.

a. Usable public open space - including areas for open air recreation, courts, gardens, parks, and walkways, shall be provided and shall not be less than 15 per cent of the total P. U. D. Zone. (Streets and parking areas shall not be considered as any portion of the required open space.)

b. Yard dimensions and property line setbacks shall be approved by the Board of County Commissioners.

c. Building height may not exceed 35 feet unless otherwise approved by the Board of County Commissioners.

d. Parking spaces shall be provided in accordance with the following:

(1) Dwelling units (private and commercial) - one (1) space of 200 square feet for each unit.

(2) Churches, auditoriums, and other facilities accommodating seated audiences - one (1) space of 200 square feet for every four (4) seats.

(3) Indoor uses including retail establishments, offices, personal service operations, and eating and drinking places, - one (1) space of 200 square feet for each 300 square feet of floor area devoted to public use.

(4) Manufacturing, fabricating or industrial uses - one (1) space of 200 square feet for each 400 square feet of gross floor area.

(5) Outdoor or mixed facilities - sufficient parking spaces of 200 square feet each as determined in a reasonable way by the City Council.

e. Signs.

(1) Signs advertising the property for sale, rent, or lease, not to exceed ten (10) square feet each.

(2) Signs, identifying the property, its occupants, and its use which are located entirely on the owner's property and which do not extend more than three (3) feet above the roof line of the structure.

(3) Permitted signs may be illuminated; however, no flashing or blinking signs shall be permitted.

Procedures.

The following procedures shall be followed when a P. U. D. District zoning request is submitted for consideration.

1. Prior to the request for P. U. D. Zoning, the developer shall submit a preliminary plan to the City Council, which shall include the following information:

a. Proposed land uses, including the locations and acreages to be devoted to each use.

b. Proposed building locations, densities and heights.

c. Proposed areas which are to be dedicated for public use, including, but not limited to, street and road rights-of-way, public parks and open space, and sites for schools or other public buildings.

d. Proposed grading and drainage plan.

e. Proposed method of supplying water and sanitary sewer facilities.

f. Proposed circulation, both vehicular and pedestrian, including parking.

g. Relation of P. U. D. development to the surrounding area and to the Development Plan and Guide.

2. Following P. U. D. zoning district approval in accordance with the preliminary plan and prior to the issuance of any special use or building permit, the developer shall file an official plan with the City Clerk. The filed plan shall show all of the above listed requirements of the preliminary plan, any changes, additions, or deletions as required by the City Council, any economic feasibility report or market report required by the Council, or any other special condition, requirement or procedure prescribed by the Council.

SECTION 6. SPECIAL REGULATIONS

601. Mobile Home Subdivisions.

Location and Size.

Mobile home subdivisions shall be located in a zone district when they are a permitted use by right and shall be no less than four (4) acres in size.

Lot Requirements.

1. Size - the lot size for one occupancy unit shall be no less than eighty per cent (80 %) of the minimum lot size required for a single-family dwelling in the district in which the subdivision is located.

2. Yard requirements - all yard requirements of the district in which the subdivision is located shall be applicable.

Platting Requirements.

Mobile home subdivisions shall be platted in accordance with all applicable subdivision regulations prior to the sale or transfer of any single lot as an occupancy unit.

602. Mobile Home Parks.

Location and Size.

Mobile home parks shall be located in a zone district in which they are a permitted use by right and shall be no less than four (4) acres in size.

Requirements.

1. Minimum lot area per unit shall be no less than 3,000 square feet.

2. Each lot shall have access to a hard-surfaced, dust-free public or private street or road.

3. Each lot shall be provided with connections to approved sewage disposal and water facilities.

4. There shall be a minimum distance of twenty-five (25) feet provided between mobile home units.

5. There shall be one (1) parking space of 200 square feet provided for each unit no less than twenty-five (25) feet distance from the unit.

6. There shall be at least 200 square feet per occupancy unit developed as common recreational and open space.

7. Private streets and roads shall be no less than twenty-five (25) feet in width.

603. Mobile Unit Overnight Courts.

Location.

Mobile unit overnight courts shall be located in a district in which they are a permitted use by right.

Requirements.

1. Minimum lot area per unit shall be no less than 1,000 square feet.

2. Each lot shall have access to a hard-surfaced, public or private street or road.

3. Sanitary facilities shall comply with the more restrictive minimum standards of either the locality or the State of Colorado.

4. There shall be a minimum distance of fifteen (15) feet provided between occupancy units.

5. There shall be one (1) parking space of 200 square feet provided for each unit no less than fifteen (15) feet distance from the unit.

6. There shall be at least 100 square feet per occupancy unit developed as common recreational and open space.

SECTION 7. NON-CONFORMING USES AND BUILDINGS

701. Non-Conformance.

Certain uses of land and buildings may be found to be in existence at the time of the passage of this ordinance which do not meet the requirements of this ordinance. It is the intent of this ordinance to allow the continuance of such non-conforming use.

702. Alterations and/or Extensions.

No building or use that is non-conforming as of the effective date of this ordinance shall be expanded in any way that would increase the degree of non-conformance. The following changes or alterations may be made to a non-conforming building:

1. Repair to a building that has been officially declared unsafe to restore it to a safe condition.
2. Maintenance repairs that are needed to maintain the good condition of a building.
3. Any structural alterations that would reduce the degree of non-conformance or change the use to a conforming use.

703. Restoration.

A non-conforming building which has been damaged by fire or other natural cause may be restored to its original usability provided such work is begun within three (3) months and completed within twelve (12) months of the time of such calamity.

704. Discontinuance.

Whenever a non-conforming use has been discontinued for a period of six (6) months, it shall not thereafter be re-established, and any future use shall be in conformance with the provisions of this ordinance.

Any non-conforming use in existence at the time of the effective date of this ordinance that has an assessed value of all improvements of One Hundred Fifty Dollars (\$150.00) or less shall be discontinued within two (2) years from the effective date of non-conformance.

705. Non-Conforming Lots.

Non-conforming lots on record at the time of passage of this ordinance may be built upon providing that yard requirements are met and the approval of the Board of Adjustment is obtained.

706. Change in Non-Conforming Use.

No non-conforming use of a building or lot may be changed to another non-conforming use.

707. Construction Prior to Passage.

Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a building permit or City approval has been issued and construction of which shall have been diligently pursued within three (3) months of the date of such permit or approval.

SECTION 8. ADMINISTRATION

801. Enforcement.

This ordinance hereby establishes and shall be enforced by an officer appointed by the City to be known as the "Zoning Enforcement Officer".

802. Zoning Permit.

No building shall be erected, occupied, moved, or structurally altered until a permit therefore has been issued by the Zoning Enforcement Officer; and no permit shall be issued unless the proposal is in full accordance with this ordinance, except in those instances where a variance has been granted by the Board of Zoning Adjustment. All applications for permits shall be accompanied by a drawing showing the location of all improvements in relation to the lot and indicating the height of all structures.

803. Certificate of Occupancy.

No new building shall hereinafter be occupied or used without a Certificate of Occupancy which has been issued by the Zoning Enforcement Officer. Such Certificate shall be issued within five (5) days after the officer has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of this ordinance.

804. Records.

All building permits, application records, records of inspections, and Certificate-of-Occupancy records shall be kept on file in the office of the City Clerk and shall be available for inspection by the public.

805. Board of Zoning Adjustment.

Establishment.

A Board of Zoning Adjustment is hereby established which shall consist of three (3) members and three (3) associate members and which shall be appointed by the City Council. All further reference to the Board of Zoning Adjustment in this section shall hereafter be made to "The Board".

Membership.

The Board shall consist of three (3) members and three (3) associate members. Until otherwise provided, the members shall serve without compensation. Each member shall serve for three (3) years, provided however, that of the first appointed Board one (1) member shall serve for one (1) year, one (1) member for two (2) years, and one (1) member for three (3) years. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. The associate members of the Board shall take the place of any regular member of the Board in the event that he is temporarily unable to act, owing to absence from the City, illness, interest in the case before the Board, or any other cause.

Officers.

The Board shall, at its first regular meeting of each year, select a Chairman, a Vice Chairman, and a Secretary. The Secretary may or may not be a member of the Board. The Chairman shall preside at meetings and shall perform all duties usual and ordinary for the presiding officer of any board or group. The Vice Chairman shall perform the duties of the Chairman in the absence of the Chairman. The Secretary shall keep full and complete minutes and records of all meetings and shall have custody of all of the records and shall generally perform all of the duties usually performed by the secretary of any board or group.

Duties and Powers.

Duties.

To meet at the call of the Chairman, by his request or by the request of the Zoning Enforcement Officer, or by any party wishing to appeal the decision of the same;

To adopt any rules necessary to transact the Board's business or to expedite its functions or powers so long as they are not inconsistent with the provisions of this ordinance;

To vote upon the granting of an adjustment to requirements of the Zoning Ordinance, which vote must require the concurrence of more than one-half (1/2) the members of the Board in order to revise an order of the Zoning Enforcement Officer;

To keep minutes of the proceedings of each meeting, which shall be filed in the Office of the Board, who may designate the Zoning Enforcement Officer to keep such files, and which shall be of public record;

To permit the public to attend and to be heard at all of its meetings;

To notify in writing the Zoning Enforcement Officer, the owner involved, and the City Council, of all decisions made, resolutions passed, hearings scheduled, or permits authorized.

To publish notice of, or cause to be published, or caused the property to be posted at least ten (10) days prior to the date of hearings, where such hearings are deemed necessary by the Board.

Powers.

Interpretation.

The Board shall have the power to interpret this ordinance, including any uncertainty as to boundary, location, or meaning of wording, so long as this interpretation is not contrary to the purposes and intent of this ordinance.

Variances.

The Board shall have the power to grant variances from the provisions of this ordinance, but only where all of the following conditions are found to exist:

1. The variance would not authorize any use other than uses enumerated as a use-by-right in the district;
2. That an unnecessary hardship to the owner could be shown to occur if the provision of this ordinance was literally followed;
3. That the circumstances found to constitute a hardship either were not created by the owner or were in existence at the time of the passage of this ordinance or are the result of general conditions of the district and cannot be reasonably corrected; and
4. That the variance would not be out of harmony with the intent and purpose of this ordinance.

Procedure.

The Board shall act in strict accordance with all of the other applicable laws of the State of Colorado and applicable zoning regulations of Las Animas. All appeals to the Board shall be in writing and on such a form as shall be prescribed by the Board. Every appeal shall indicate what provisions of this ordinance are involved, what relief from these provisions is being sought, and the grounds upon which such an appeal is being sought, as required above. The Chairman of the Board shall then, within forty-five (45) days, call a meeting of the Board for the purpose of the review of the requested appeal. At the same time, a copy of the requested appeal shall be transmitted to the City of Las Animas Planning Commission and the City Council for opinions, which opinions shall be returned to the Board before the date set for hearing the appeal. Notification of the decisions of the Board shall then be made.

Appeals from the Board.

Any further appeal from the decision of the Board may be made to the courts, as provided by law, provided, however, that such appeal is made prior to twenty (20) days following the date of the notification of the Board's decision.

SECTION 9. INTERPRETATION

901. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare.

902. Conflict.

Whenever the requirements of this ordinance are in conflict with the requirements of any other ordinance, rule, regulation, private covenant, or deed restriction, the more restrictive or that imposing the higher standards shall govern.

SECTION 10. VIOLATIONS AND PENALTIES

1001. Violation and Penalties.

Failure to comply with all of the provisions of this Ordinance, unless a variance has been authorized by the Board of Zoning Adjustment, shall constitute a misdemeanor and upon conviction is punishable by a fine of Three Hundred Dollars (\$300.00) or imprisonment for a period of not more than ninety (90) days, or both. Each day that such a violation continues to exist shall be considered a separate offense.

1002. Notification.

Whenever the Zoning Enforcement Officer shall find a violation of any of the provisions of this Ordinance, he shall notify the person responsible for the violation in writing and shall order the necessary corrections within a period of two (2) months.

1003. Complaints.

Any person aggrieved by a violation or apparent violation of the provisions of this Ordinance may file a written complaint with the Zoning Enforcement Officer who shall investigate such complaint and take legal action within five (5) days to have the violation penalized or removed, if such violation is found to exist.

SECTION 11. AMENDMENTS

1101. General Procedure.

Amendments to this Ordinance shall be in accordance with the Statutes of the State of Colorado and the procedures prescribed for the passage of any ordinance of the City.

1102. Special Procedure.

1. A petition for amendment to this Ordinance shall be submitted to the City Planning Commission through the Zoning Enforcement Officer.
2. The Planning Commission shall set a public hearing date and shall publish notice of said hearing in a newspaper of general circulation at least thirty (30) days prior to the hearing date.
3. For proposed amendments to the Official Zoning Map, the Planning Commission shall place a sign in a conspicuous place on the subject property not less than thirty (30) days prior to the hearing stating the change request, the date, time, and place of the hearing.
4. After the public hearing, the Planning Commission shall submit a report and recommendations on the proposed amendment to the City Council.
5. The City Council shall proceed with the amendment request as prescribed by law for the consideration of passage of an ordinance of the City.

1103. Amendment Fee.

For proposed amendments to the Official Zoning Map, a fee of One Hundred Dollars (\$100.00) shall be charged to the petitioner to cover the costs of advertising and processing. In the event that such an amendment request is denied by the City Council, Fifty Dollars (\$50.00) shall be returned to the petitioner.

SECTION 12. VALIDITY OF ORDINANCE

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

SECTION 13. REPEALER

All ordinances or other codes of the City inconsistent herewith to the extent of the inconsistency and no further, are hereby repealed. The repeal of the above-mentioned ordinances or codes does not revise any other ordinance or code. Such repeals shall not affect or prevent the prosecution and punishment of any person for violation of any ordinance or code repealed hereby, for any offense committed prior to the repeal.

SECTION 14. ENACTMENT CLAUSE

Upon approval and adoption by the Las Animas City Council, a certified copy of this Ordinance and of the Official Zoning Map shall be filed, according to law, in the Office of the City Clerk of the City of Las Animas. This Ordinance shall become of full force and effect as of the date of its adoption, this being the
6th day of June, 1972

ATTEST:

Lila M. Maypin
City Clerk

City of Las Animas, Colorado

George R. Rayton
Mayor

Lila M. Maypin
Secretary